

38-1a-403 Effective time and priority of preconstruction lien -- Subordination to bona fide loan.

- (1) Except as otherwise provided in this chapter, a preconstruction lien:
 - (a) relates back to and takes effect as of the time of filing of the earliest timely filed notice of preconstruction service under Section 38-1a-401 for the anticipated improvement for which the preconstruction lien is claimed; and
 - (b) has priority over:
 - (i) any lien, mortgage, or other encumbrance that attaches after the earliest timely filed notice of preconstruction service is filed; and
 - (ii) any lien, mortgage, or other encumbrance of which the claimant had no notice and that was unrecorded at the time the earliest timely filed notice of preconstruction service is filed.
- (2) A preconstruction lien is subordinate to an interest securing a bona fide loan if and to the extent that the lien covers preconstruction service provided after the interest securing a bona fide loan is recorded.

Amended by Chapter 464, 2013 General Session